

IN RE: PETITION FOR SPECIAL EXCEPTION	* BEFORE THE
NE/S Liberty Road, 7' W of the	* DEPUTY ZONING COMMISSIONER
c/l of St. Luke's Lane	* OF BALTIMORE COUNTY
(6800 Liberty Road)	* Case No. 96-54-X
2nd Election District	*
2nd Councilmanic District	
City Partners LTD-DLW	
Petitioners	

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 6800 Liberty Road, located across from its intersection with St. Luke's Lane in the vicinity of Lochearn in Pikesville. The Petition was filed by the owners of the property, City Partners LTD-DLW, by Anne Andreas, Vice President of RIMSI, Inc., Managing Agent, and the Contract Purchaser/Lessee, American P.C.S., L.P. by Margaret Ruggieri, Legal Counsel, through their attorneys, G. Scott Barhight, Esquire and Christine McSherry, Esquire. The Petitioners seek approval of a special exception to permit a wireless transmitting and receiving facility to be located on the subject property, as more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Greg Sarro, a representative of American P.C.S., L.P., Contract Lessee, Debbie Meaney and Andrew Werchniak, representatives of Moffit, Larson & Johnson, a consulting firm, Melanie Moser, a Land Planner and Landscape Architect with Daft-McCune-Walker, Inc., and Christine McSherry, Esquire, attorney for the Petitioners. Appearing in opposition to the relief requested was Judith Berger, President of the Liberty Road Community Council.

Testimony and evidence offered revealed that the subject property

ORDER RECEIVED FOR FILING  
Date 9/25/95  
By [Signature]

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consists of 8.12 acres, more or less, zoned D.R. 16 and is improved with a nine-story apartment building, a row of three-story townhouse units, and an existing swimming pool and accessory poolhouse. The Contract Lessee, American P.C.S. wishes to locate six (6) wireless transmitting and receiving antennae on the roof of the existing nine-story apartment building. These antennae will be mounted on the sides of the penthouse level on top of this building. Testimony revealed that the penthouse level of the building is not a residence, but is used to store air conditioning units and duct-work for the entire building.

A site plan of the property, prepared by Daft-McCune-Walker, Inc. was submitted into evidence as Petitioner's Exhibit 1. This plan shows all existing and proposed improvements on the property as well as the specific locations for the proposed antennae. Also submitted into evidence as Petitioner's Exhibit 2 was an environmental impact statement which also was prepared by Daft-McCune-Walker, Inc. Submitted into evidence as Petitioner's Exhibit 3 was an information packet containing photographs of the subject property, the lease agreement for same, FCC regulations, and a radio frequency statement prepared by Jules Cohen, among other things.

Testifying on behalf of the Petitioners were Greg Sarro, a representative of American P.C.S., Andrew Werchniak with the consulting firm of Moffit, Larson, and Johnson, and Melanie Moser with Daft-McCune-Walker, Inc. All of the witnesses testified as to the need for such antennae in this particular area of Baltimore County and opined that the proposed use will not result in any detrimental effects upon the health, safety or general welfare of the surrounding community.

More specifically, Mr. Sarro testified that American P.C.S. makes it a point to locate their antennae on existing buildings and structures

in order to minimize their appearance and avoid having to build supporting structures, such as monopoles and lattice towers. He testified that doing so prevents an unsightly condition and mounting antennae on existing structures makes them less noticeable to passers by. Mr. Sarro testified that after a thorough search of this area, the subject building was determined to be the most appropriate candidate upon which to locate these antennae.

Mr. Andrew Werchniak, an electrical engineer, testified as to the amount of emissions generated by these antennae. He testified that the emissions generated by these antennae are well within the ANSI regulations dealing with such emissions and that in his opinion, the proposed use will not pose any health concerns to the general public.

Ms. Melanie Moser testified on behalf of the Petitioners that the proposed antennae will be placed on the building in such a manner so as to be minimally visible to the surrounding community. She believes that the antennae, themselves, will not pose any health concerns to the surrounding community and that the special exception request meets all of the requirements set forth in Sections 502.1 and 502.7 of the B.C.Z.R.

Appearing and testifying in opposition to the Petitioners' request was Ms. Judith Berger, President of the Liberty Road Community Council. Ms. Berger objected to the location of this antennae on the subject building for aesthetic reasons and believes that not enough studies have been propagated to make a determination as to their safety. She believes the emissions generated by such antennae are detrimental to the public health and that these antennae should not be located on the subject building. She further objects to the antennae for aesthetic reasons and voiced concern that the community did not have input as to the location of these antennae on the building prior to the hearing before this Deputy Zoning

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Date 9/25/95  
By [Signature]

Commissioner. While Ms. Berger offered her opinion as to the safety of the proposed antennae, she was unable to offer expert testimony supporting the alleged adverse health consequences of these wireless transmitting and receiving devices.

It is clear that the B.C.Z.R. permits the use proposed in a D.R.16 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

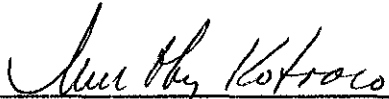
After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

While I can appreciate the concerns raised by Ms. Berger and her opinion regarding the safety of the proposed antennae, I do not believe it warrants a denial of the special exception request. Ms. Berger was unable to produce any expert testimony or documented proof that the antennae proposed for this site pose any substantial threat to the health, safety or general welfare of the surrounding community. Furthermore, inasmuch as the antennae will be located on an existing structure, they will pose little, if any, adverse aesthetic effects and will be minimally visible to the surrounding community. Therefore, in considering all of these factors and the totality of the testimony and evidence offered, it is clear the special exception should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of September, 1995 that the Petition for Special Exception seeking approval to permit a wireless transmitting and receiving facility to be located on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

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Date 9/25/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

September 25, 1995

(410) 887-4386

G. Scott Barhight, Esquire  
Christine McSherry, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue, Suite 400  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION  
NE/S Liberty Road, 7' W of the c/l of St. Luke's Lane  
(6800 Liberty Road)  
2nd Election District - 2nd Councilmanic District  
City Partners LTD-DLW - Petitioners  
Case No. 96-54-X

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Anne G. Andreas, Vice President, RIMSI, Inc.  
c/o City Partners LTD-DLW, 6800 Liberty Road, Baltimore, Md. 21207

Mr. Greg Sarro, American PCS, L.P.  
6901 Rockledge Drive, Suite 600, Bethesda, Md. 20817

Ms. Melanie Moser, Daft-McCune-Walker, Inc.  
200 E. Pennsylvania Avenue, Towson, Md. 21204

Ms. Judith Berger, President, Liberty Road Community Council  
P.O. Box 31555, Baltimore, Md. 21207

Mr. Andrew Werchniak & Ms. Debbie Meaney, c/o Moffit, Larson & Johnson  
1110 North Glebe Road, Suite 800, Arlington, Va. 22201

People's Counsel; Case File



# Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at 6800 Liberty Road

96-54-X

which is presently zoned D.R. 16

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

A wireless transmitting & receiving facility.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

American PCS., L.P.  
by Margaret Ruggieri, Legal Counsel

(Type or Print Name)

*Margaret Ruggieri*

Signature

One Democracy Center  
6901 Rockledge Drive, Suite 600

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.  
Whiteford, Taylor & Preston

(Type or Print Name)

*G. Scott Barhight*

Signature

400 Court Towers  
210 W. Pennsylvania Avenue 832-2000

Address

Phone No.

Towson, MD 21204

City

State

Zipcode

Legal Owner(s):

City Partners LTD - DLW

(Type or Print Name)

By: RIMST, Inc., Its Managing Agent  
Anne Andreas, Vice President

*Anne G. Andreas*

(Type or Print Name)

*Anne G. Andreas*

Signature

6800 Liberty Road

(410) 944-8100

Address

Phone No.

Baltimore, MD 21207

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

Robert E. Morelock

Name

Daft-McCune-Walker, Inc.

200 E. Pennsylvania Ave, Towson

296-3333

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL \_\_\_\_\_ OTHER \_\_\_\_\_

REVIEWED BY: *R.T.*

DATE

*8-1-95*

ITEM # 44

Zoning Administration  
& Development Management

ORDER RECEIVED FOR FILING

Date

By

Description

96-54-X

To Accompany Petition for Special Exception

8.12 Acre Parcel

Northeast Side of Liberty Road

Southeast of Brubar Court

Second Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same on the northeast side of Liberty Road (Maryland Route 26) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Liberty Road with the centerline of St. Luke's Lane (1) North 63 degrees 23 minutes 50 seconds West 7 feet, more or less, and thence (2) North 26 degrees 36 minutes 10 seconds East 40 feet to the point of beginning, thence leaving said beginning point and binding on the northeast side of Liberty Road (1) North 63 degrees 48 minutes 20 seconds West 565.07 feet, thence leaving said northeast side of Liberty Road and running the eleven following courses and distances, viz: (2) North 17 degrees 04 minutes 00 seconds East 313.81 feet, thence (3) South 72 degrees 56 minutes 00 seconds East 225.00 feet, thence (4) North 17 degrees 04 minutes 00 seconds East 130.00 feet, thence (5) South 87 degrees 41 minutes 35 seconds East 249.34 feet, thence (6) South 29 degrees 13 minutes 05 seconds East 57.73 feet, thence (7) South 10 degrees 41 minutes 15 seconds East 276.78 feet, thence (8) North 79 degrees 18 minutes 45 seconds East 93.00 feet, thence (9) South 10 degrees 41 minutes 15 seconds East 146.06 feet, thence (10) North 79 degrees 18 minutes 45 seconds East 50.00 feet, thence (11) South 10 degrees 41 minutes 15 seconds East 78.94 feet, and thence (12) South 10 degrees 38 minutes 45 seconds West 170.52 feet to intersect the aforementioned northeast side of Liberty Road, thence binding thereon the three following courses and distances, viz: (13) North 61 degrees 54 minutes 10 seconds

MICROFILMED of 2

ITEM # 44



96-54-X

West 16.33 feet, thence (14) South 64 degrees 10 minutes 17 seconds West 82.01 feet, and thence (15) North 63 degrees 23 minutes 50 seconds West 107.29 feet, thence leaving said road and running the two following courses and distances, viz: (16) North 46 degrees 55 minutes 20 seconds West 119.40 feet, and thence (17) South 42 degrees 26 minutes 55 seconds West 35.20 feet to intersect the aforementioned northeast side of Liberty Road, thence binding thereon (18) North 63 degrees 23 minutes 50 seconds West 25.25 feet to the point of beginning; containing 8.12 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 12, 1995

Project No. 94161.44 (L94161.44)



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**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

96-54-V

District Z-1 Date of Posting 9/2/95  
Posted for: Special Exception  
Petitioner: City Partners, LTD-DLW & Ann. PCS, LP  
Location of property: 6800 Liberty Rd, NEP  
Location of Signs: Facing roadway on property being zoned  
Remarks: \_\_\_\_\_  
Posted by Matthew Date of return: 9/8/95  
Signature  
Number of Signs: 1



RECEIVED

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-54-X  
(Item 44)  
8800 Liberty Road  
NE/S Liberty Road, 7' W of  
o/l St. Lukes Lane  
2nd Election District  
2nd Councilmanic  
Legal Owner(s):  
**City Partners LTD-DLW**

Lessee:

**American PQS, LP**  
Hearing: Wednesday,  
September 18, 1995 at  
11:00 a.m. in Rm. 118, Old  
Courthouse.

**Special Exception** for a  
wireless transmitting and re-  
ceiving facility.

**LAWRENCE E. SCHMIDT**  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handi-  
capped Accessible; for special ac-  
commodations Please Call  
887-3353.

(2) For information concern-  
ing the File and/or Hearing, Please  
Call 887-3391.  
8/33 Aug. 31.

## CERTIFICATE OF PUBLICATION

TOWSON, MD., 9/1, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/31, 1995.

**THE JEFFERSONIAN,**

*A. Henrickson*  
**LEGAL AD. - TOWSON**

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

ITEM No. 44

004901

DATE AUG. 1, 1975 ACCOUNT R.T. R-107-6150

050 - SPX  
080 - SIGN

AMOUNT

\$ 300.<sup>00</sup>  
\$ 35.<sup>00</sup>

TOTAL \$ 335.<sup>00</sup>

RECEIVED  
FROM:

AMERICAN PCS, L.P.

FOR:

SPX

96-54-X

1246280272MTCHEC

BA 0009126ANCB-01-95

\$335.00

DISTRIBUTION  
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER  
YELLOW - CUSTOMER

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

\_\_\_\_\_  
ARNOLD JABLON, DIRECTOR

-----  
For newspaper advertising:

Item No.: 44

Petitioner: AMERICAN PCS, L.P.

Location: BALMORAL TOWERS, 6800 LIBERTY RD., BALT.  
21207

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS, L.P., ATTN. MARGARET RUGGIERI

ADDRESS: ONE DEMOCRACY GR., 6901 ROCKLEDGE DR., SUITE 600  
BETHESDA, MD 20817

PHONE NUMBER: (301) 214-9283

AJ:ggs

(Revised 04/09/93)



TO: PUTUKENT PUBLISHING COMPANY  
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

American PCS, L.P.  
Margaret Ruggieri, Esq.  
One Democracy Center  
6901 Rockledge Drive, Suite 600  
Bethesda, MD 20817  
301-214-9283

---

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in  
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204  
or  
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-54-X (Item 44)  
6800 Liberty Road  
NE/S Liberty Road, 7' W of c/l St. Lukes Lane  
2nd Election District - 2nd Councilmanic  
Legal Owner(s): City Partners LTD-DLW  
Lessee: American PCS, LP  
HEARING: MONDAY, SEPTEMBER 18, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified hereinin Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-54-X (Item 44)

6800 Liberty Road

NE/S Liberty Road, 7' W of c/l St. Lukes Lane

2nd Election District - 2nd Councilmanic

Legal Owner(s): City Partners LTD-DLW

Lessee: American PCS, LP

HEARING: MONDAY, SEPTEMBER 18, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon  
Director

cc: City Partners LTD-DLW  
American PCS, L.P.  
G. Scott Barhight, Esq.  
Daft-McCune-Walker, Inc.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 8, 1995

G. Scott Barhight, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Ave.  
Towson, MD 21204

RE: Item No.: 44  
Case No.: 96-54-X  
Petitioner: City Partners LTD-DLW  
Anne G. Andreas

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 1, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)





BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
September 1, 1995

FROM: J. Lawrence Pilson *JLP*  
Development Coordinator, DEPRM

SUBJECT: Zoning Item #44 - Lochearn Ban 73  
6800 Frederick Road  
Zoning Advisory Committee Meeting of August 14, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. Roof access should be restricted. We recommend that Caution/Warning signs be placed at all roof access doors.

✓  
JLP:SR:sp

c: Steve Reekie

LOCHEARN/DEPRM/TXTSBP

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BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: August 22, 1995  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief      *RWB/DAK*  
Development Plans Review

RE: Zoning Advisory Committee Meeting  
for August 21, 1995  
Items 044, 046, 047, 048, 049, 051, 053 and 054

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:sw

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**Maryland Department of Transportation  
State Highway Administration**

David L. Winstead  
Secretary  
Hai Kassoff  
Administrator

8-8-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 044 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

*10001301 8/11/95*

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has ☐ no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, (44), 45, 46, 48, 49, 50, 51,  
53, and 54. 19

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Penn

PK/JL

Baltimore County Government  
Fire Department



700 East Joppa Road Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 14, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 43, 44, 45, 46, 48, 49, 50,  
51, 52, 53 AND 54.

10

RECEIVED

AUG 11 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F



cc: File

Printed on Recycled Paper

## PETITION PROBLEMS AGENDA OF

### #44 --- RT

1. Need power of attorney for person signing for contract purchaser.
2. Who signed petition for attorney?

### #45 --- MJK

1. Need power of attorney for person signing for contract purchaser.

### #47--- JLL

1. Margaret Miller is trustee for who?
2. Need power of attorney for Margaret Miller, trustee.
3. Leonard Miller is trustee for who?
4. Need power of attorney for Leonard Miller, trustee.
5. Need telephone numbers for all legal owners.

### #50 --- JLL

1. Notary section is incomplete.

### #51 --- JCM

1. Notary section is incomplete.

### #52 --- JJS

1. No item number on receipt.
2. No city, state, or zip code for legal owner.

### #53 --- JJS

1. No zoning indicated on petition form.

MICROFILMED

RE: PETITION FOR SPECIAL EXCEPTION  
6800 Liberty Road, NE/S Liberty Rd, 7' W  
of c/l St. Lukes Lane, 2nd Election  
District, 2nd Councilmanic


Legal Owner(s): City Partners LTD-DLW  
Lessee: American PCS, LP  
Petitioners

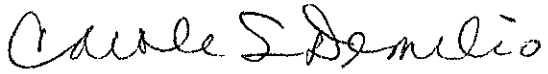
\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* CASE NO. 96-54-X

\* \* \* \* \*

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of September, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

  
PETER MAX ZIMMERMAN

SEP 13 1995



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

June 27, 2000

96-54-X

Dime Saving Bank of New York, FSB  
Attn: Denise DiCara  
7535 Little River Turnpike, Suite 230  
Annandale, Virginia 22003

and

Balmoral Investments LLC  
c/o Residential Management Corp.  
Attn: Labe Twerski  
40 Exchange Place  
New York, New York 10005-2701

Dear Mr. Rife:

RE: Zoning Verification, 6800 Liberty Rd., Balmoral Towers and Townhouses,  
2<sup>nd</sup> Election District

The current property is zoned DR-16 (Residential Density: 16 Density Units per Acre). Because these are apartment the number of living units per density unit should be determined according to the following chart:

**DENSITY UNIT** - An expression of extent or density of dwelling use as related to number of rooms in, or type of, dwelling unit, so that:

Each efficiency apartment is equivalent to 0.50 density unit;

Each one-bedroom dwelling unit is equivalent to 0.75 density unit;

Each two-bedroom dwelling unit is equivalent to 1.00 density unit; and

Each dwelling unit with 3 or more bedrooms is equivalent to 1.50 density units [Bill No. 100-1970]

Parking as well must be calculated according to Section 409.6.A.1 for townhouses and apartment buildings:





Mr. Britt G. Rife  
June 27, 2000  
Page

1.25 parking spaces per apartment with no separate bedroom, 1.5 per apartment with 1 or 2 bedrooms, and 2 per apartment with 3 or more separate bedrooms.

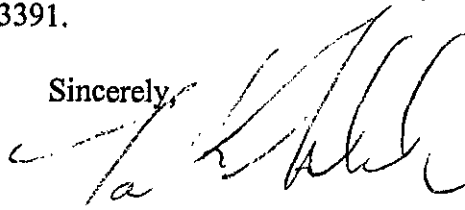
There have been 2 recent zoning hearings. To permit a wireless transmitting and receiving facility and a subsequent expansion; cases 96-54-X and 97-491-SPH. Both were granted. I have enclosed the zoning order for both.

There is currently an outstanding violation on the site for apartment 809. Repairs are required for a defective balcony rail and replacement of a window. A Baltimore County building inspection will return to the site on July 6<sup>th</sup> to determine if repairs have been satisfactorily completed. When the inspector approves the repairs, a certificate of occupancy may be issued upon application.

Please note that a portion of the parking area and driveway encroaches on adjacent property. This may effect on site parking calculations. A long term lease of the spaces that are partially on entirely on the adjacent property would allow them to be counted toward parking for this facility and access to the ramp/driveway should be similarly arranged.

I trust that the information set forth in this letter is sufficiently detailed and responsive to the request. If you need further information or have any questions, please do not hesitate to contact me at 410-887-3391.

Sincerely,



John R. Alexander  
Planner II  
Zoning Review

JRA:kew

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Greg Sarro

6901 Rockledge Dr.  
Bethesda MD 20817

Christine McSherry  
Melanie Moser

DMW, Inc 200 E. Pennsylvania  
Ave., Towson MD

Debra Mearns

1110 North Glebe Rd  
Arlington VA 22218

Andrew Werchniak

1110 North Glebe Rd.  
Suite 800

Arlington, VA 22201



# Exhibits

PLEASE PRINT CLEARLY

~~PROTESTANT~~ (S) SIGN-IN SHEET

98-54-X

Petitioner NAME

Protestant's ADDRESS

- ① Plan ->
- ② Environmental Impact Statement.
- ③ American Personal Communications Packet
- ④ 2 graphics =>  
Coverage w/ & w/out  
new site. - Band 73.

① Letter from  
Judith Berger



**PROTESTANTS**  
**PETITIONERS**  
**EXHIBIT NO. 7**

Liberty Road Community Council, Inc.  
3801 Lochearn Drive  
Baltimore, MD 21207-6363  
September 5, 1995

Hon. Lawrence E. Schmidt  
Baltimore County Zoning Commissioner  
Ste. 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204  
Dear Mr. Schmidt,

I am unable to attend the hearings relative to 96-33-A, 96-34-X, 96-35-XA, 96-36-SPHX, 96-37-XA, 96-38-SPHX, 96-39-XA, to be heard on September 5, 1995, at 11:00 A.M., wireless transmission towers.

We are particularly concerned about the proximity of these towers to homes and schools. There are three towers proposed in close proximity, on or near Liberty Road, 96-33-A, 96-38-SPHX, and 96-39-XA.

The Liberty Road Community Council, Inc., at its Board meeting on August 30, 1995, expressed concern about interference with telephone and television transmission, among other issues.

Issues involving the health of the citizenry should be open to the public in the form of a Public Hearing, prior to a zoning hearing. There has been no opportunity for information relative to the impact of these towers on health and safety.

I know, now, that the county officials are not looking out for our health and safety, or welfare, because of the lack of water for fire-fighting purposes. I am not going to rely on them in this instance, either.

The large amounts of largesse generated by these telecommunications towers must be shared by the communities. Obviously, Baltimore County Government as owner of the land, will share in these enterprises at the expense of the populace.

**MICROFILMED**

Page 2.

The importance of this issue is far too great and broad to be settled by zoning variances and special exceptions, alone.

Sincerely,



Judith Berger, President

Liberty Road Community Council, Inc.

cc: Hon. C. "Dutch" Ruppensberger

Hon. Kevin Kamemetz

Mr. Barry Schleifer, Liberty/Randallstown Coalition

Mrs. Ella White Campbell

*add issue 96-54-X (Item 44)  
Hearing 9-18-95 - HAN Planning to attend  
same concerns.*

MICROFILMED

# **Environmental Impact Statement**

## **American Personal Communications Lochearn Site**

September 1995

Project No. 94161.44

*Prepared for:*

**American PCS, L.P.**

One Democracy Center

Suite 600

6901 Rockledge Drive

Bethesda, MD 20817

*Prepared by:*

**DMW Daft-McCune-Walker, Inc.**

200 East Pennsylvania Avenue

Towson, Maryland 21286

**DMW**

*unclassified*



**American Personal  
Communications**

**PETITIONER'S  
EXHIBIT NO. 3**

Case No: 96-54-X, Item No. 44  
Case No: 96-55-XA, Item No. 45

**AMERICAN PERSONAL COMMUNICATIONS (APC)  
HEARING BEFORE THE BALTIMORE COUNTY  
ZONING COMMISSIONER  
September 18, 1995**

**TABLE OF CONTENTS**

1. Photographs of 6800 Liberty Road
2. Lease Agreement with City Partners Ltd.
3. Photographs of 2118 Frederick Road
4. Lease Agreement Yolanda Juzelenos
5. Photographs and Specification Sheets for Antennas
6. Photograph and Specification Sheets for Equipment Cabinets
7. FCC License
8. FCC Adopts ANSI EMF Regulations
9. Radio Frequency Statement - Jules Cohen
10. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
11. FCC's Chairman, Reed Hundt, Speech Excerpts





Westmount Associates  
74280 18  
Use: Apartment

EXISTING  
3 STORY  
APT BLDG

EXISTING  
3 STORY  
APT BLDG

EXISTING  
3 STORY  
APT BLDG

EXISTING 3 STORY  
APARTMENT BUILDING

EXISTING 1 STORY  
APT BLDG

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APT BLDG

LIBERTY ROAD

SITE PLAN

Scale: 1"=50'

ST. LUKES LANE

Point Of Beginning  
N 16.533  
W 31.696

Township of Western Maryland  
Episcopal Church of Baltimore City  
Zone DR 3.5  
Use: Church

Marion W. Swanson  
7593 982  
Zone DR 3.5  
Use: Residential

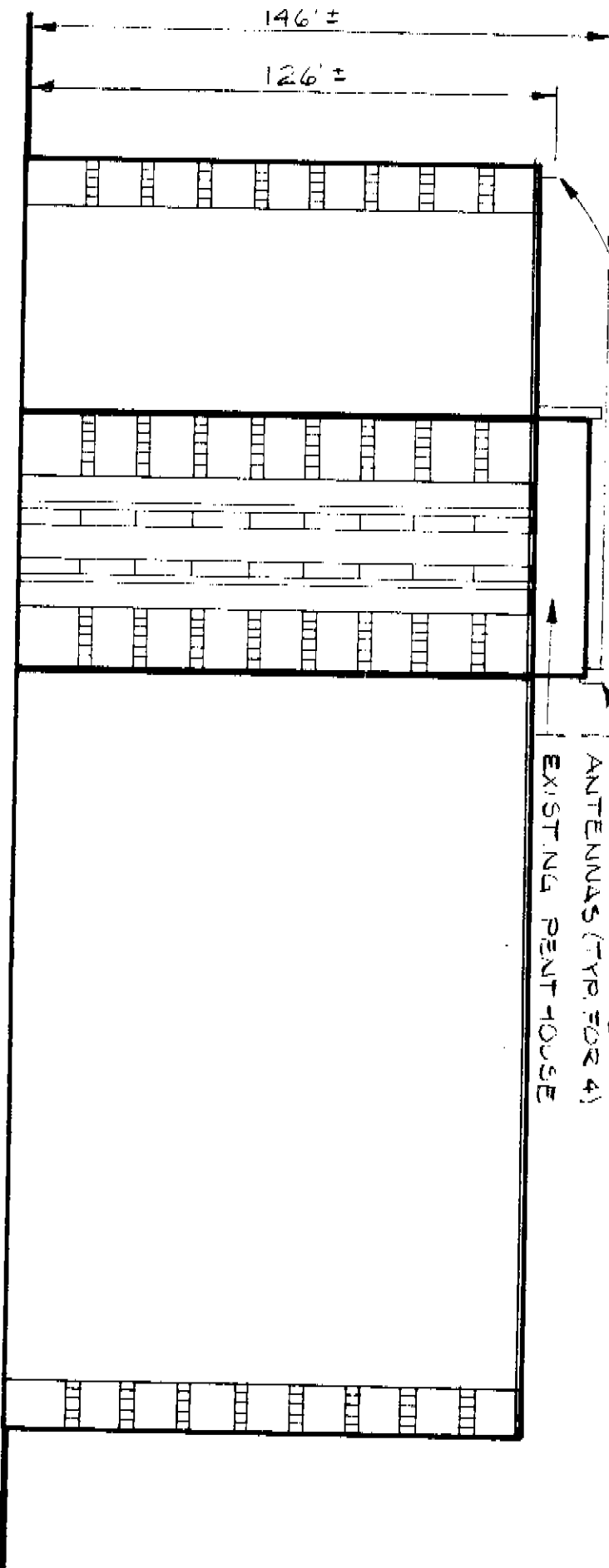
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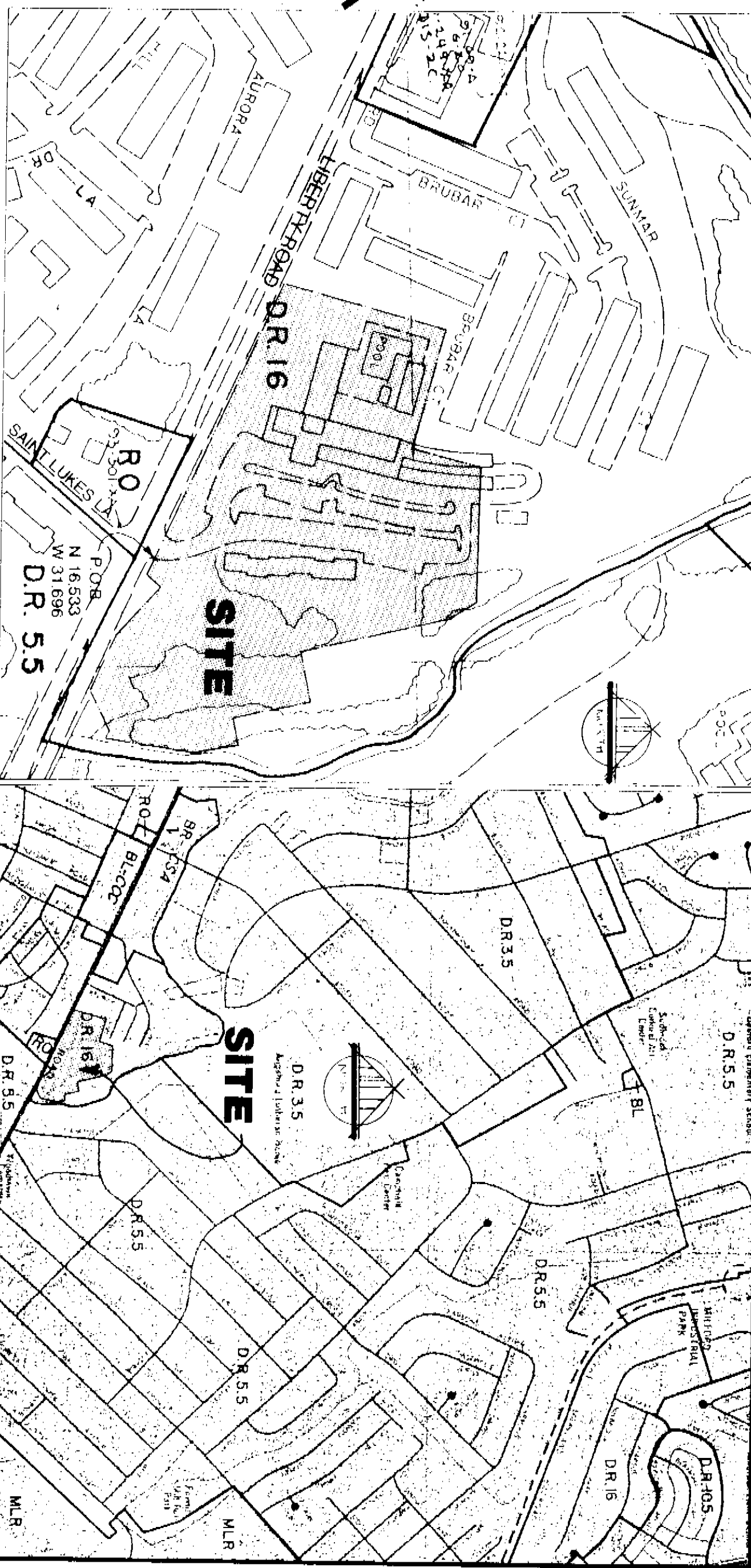


EAST BUILDING ELEVATION

Not To Scale

PORTION OF 200' SCALE BALTIMORE COUNTY  
ZONING MAP NW 5-F

PORTION OF 1000' SCALE BALTIMORE COUNTY TAX MAP E-2



NOTES:

1. Current owner and street address:  
C/O Baltimore County  
6800 Liberty Road  
Baltimore, MD 21207

2. Current lessee/  
Proposed:  
American PCS, LP  
6800 Liberty Road  
Baltimore, MD 21207

3. Site area:  
8.12 A.C.

4. Existing use:  
Apartment Building

5. Street Address:  
6800 Liberty Road  
Baltimore, MD 21207

6. Site data:  
Tax map 88, block 2, parcel 511  
Tax map 88, block 2, parcel 511  
Zone DR 3.5  
Use: Open Space

7. The proposed wireless transmitting and receiving facility will consist of 40 5/8" high x 7" wide pole mounted panel antennas attached to the main building roof and 62 equipment cabinets measuring 5.5' wide x 5' high x 2' deep, located inside the existing perimeter.

8. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

9. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

10. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

11. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

12. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

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41. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

42. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

43. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

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50. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

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58. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

59. The proposed facility structure is a DR 16 zone pursuant to §1801.2(c)(1)(A).

American Personal  
Communications  
Plan To Accompany Petition For Special Exception  
LOCHEARN SITE BAN 73  
2nd Election District

DMW  
10000 Old Court Road, Suite 100  
Baltimore, Maryland 21207  
Phone: 410-528-2200  
Fax: 410-528-2202

No.	Description	Date
1	DESCRIPTION	
2	REVISIONS	
3	Proj. No.	9416144
4	Date	7/7/95
5	Scale	As Shown
6	Last Rev.	

Sheet  
1 OF 1

IN RE: PETITION FOR SPECIAL EXCEPTION  
NE/S Liberty Road, 7' W of the  
c/l of St. Luke's Lane  
(6800 Liberty Road)  
2nd Election District  
2nd Councilmanic District  
City Partners LTD-DLM  
Petitioners

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 96-54-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception for that property known as 6800 Liberty Road, located across from its intersection with St. Luke's Lane in the vicinity of Lochearn in Pikesville. The Petition was filed by the owners of the property, City Partners LTD-DLM, by Anne Andreas, Vice President of RIMS, Inc., Managing Agent, and the Contract Purchaser/Lessee, American P.C.S., L.P. by Margaret Ruggieri, Legal Counsel, through their attorneys, G. Scott Barhight, Esquire and Christine McSherry, Esquire. The Petitioners seek approval of a special exception to permit a wireless transmitting and receiving facility to be located on the subject property, as more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Greg Sarro, a representative of American P.C.S., L.P., Contract Lessee, Debbie Meaney and Andrew Werchniak, representatives of Moffit, Larson & Johnson, a consulting firm, Melanie Moser, a Land Planner and Landscape Architect with Daft-McCune-Walker, Inc., and Christine McSherry, Esquire, attorney for the Petitioners. Appearing in opposition to the relief requested was Judith Berger, President of the Liberty Road Community Council.

Testimony and evidence offered revealed that the subject property

consists of 8.12 acres, more or less, zoned D.R. 16 and is improved with a nine-story apartment building, a row of three-story townhouse units, and an existing swimming pool and accessory poolhouse. The Contract Lessee, American P.C.S. wishes to locate six (6) wireless transmitting and receiving antennae on the roof of the existing nine-story apartment building. These antennae will be mounted on the sides of the penthouse level on top of this building. Testimony revealed that the penthouse level of the building is not a residence, but is used to store air conditioning units and duct-work for the entire building.

A site plan of the property, prepared by Daft-McCune-Walker, Inc. was submitted into evidence as Petitioner's Exhibit 1. This plan shows all existing and proposed improvements on the property as well as the specific locations for the proposed antennae. Also submitted into evidence as Petitioner's Exhibit 2 was an environmental impact statement which also was prepared by Daft-McCune-Walker, Inc. Submitted into evidence as Petitioner's Exhibit 3 was an information packet containing photographs of the subject property, the lease agreement for same, FCC regulations, and a radio frequency statement prepared by Jules Cohen, among other things.

Testifying on behalf of the Petitioners were Greg Sarro, a representative of American P.C.S., Andrew Werchniak with the consulting firm of Moffit, Larson, and Johnson, and Melanie Moser with Daft-McCune-Walker, Inc. All of the witnesses testified as to the need for such antennae in this particular area of Baltimore County and opined that the proposed use will not result in any detrimental effects upon the health, safety or general welfare of the surrounding community.

More specifically, Mr. Sarro testified that American P.C.S. makes it a point to locate their antennae on existing buildings and structures

in order to minimize their appearance and avoid having to build supporting structures, such as monopoles and lattice towers. He testified that doing so prevents an unsightly condition and mounting antennae on existing structures makes them less noticeable to passers by. Mr. Sarro testified that after a thorough search of this area, the subject building was determined to be the most appropriate candidate upon which to locate these antennae.

Mr. Andrew Werchniak, an electrical engineer, testified as to the amount of emissions generated by these antennae. He testified that the emissions generated by these antennae are well within the ANSI regulations dealing with such emissions and that in his opinion, the proposed use will not pose any health concerns to the general public.

Ms. Melanie Moser testified on behalf of the Petitioners that the proposed antennae will be placed on the building in such a manner so as to be minimally visible to the surrounding community. She believes that the antennae, themselves, will not pose any health concerns to the surrounding community and that the special exception request meets all of the requirements set forth in Sections 502.1 and 502.7 of the B.C.Z.R.

Appearing and testifying in opposition to the Petitioners' request was Ms. Judith Berger, President of the Liberty Road Community Council. Ms. Berger objected to the location of this antennae on the subject building for aesthetic reasons and believes that not enough studies have been propagated to make a determination as to their safety. She believes the emissions generated by such antennae are detrimental to the public health and that these antennae should not be located on the subject building. She further objects to the antennae for aesthetic reasons and voiced concern that the community did not have input as to the location of these antennae on the building prior to the hearing before this Deputy Zoning

Commissioner. While Ms. Berger offered her opinion as to the safety of the proposed antennae, she was unable to offer expert testimony supporting the alleged adverse health consequences of these wireless transmitting and receiving devices.

It is clear that the B.C.Z.R. permits the use proposed in a D.R.16 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

ORDER RECEIVED FOR FILING  
Date 9/25/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/25/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/25/95  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 9/25/95  
By [Signature]

While I can appreciate the concerns raised by Ms. Berger and her opinion regarding the safety of the proposed antennae, I do not believe it warrants a denial of the special exception request. Ms. Berger was unable to produce any expert testimony or documented proof that the antennae proposed for this site pose any substantial threat to the health, safety or general welfare of the surrounding community. Furthermore, inasmuch as the antennae will be located on an existing structure, they will pose little, if any, adverse aesthetic effects and will be minimally visible to the surrounding community. Therefore, in considering all of these factors and the totality of the testimony and evidence offered, it is clear the special exception should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 25<sup>th</sup> day of September, 1995 that the Petition for Special Exception seeking approval to permit a wireless transmitting and receiving facility to be located on the subject property, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 9/25/95  
By [Signature]

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

September 25, 1995

(410) 887-4386

G. Scott Barhight, Esquire  
Christine McSherry, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Avenue, Suite 400  
Towson, Maryland 21204

RE: PETITION FOR SPECIAL EXCEPTION  
NE/S Liberty Road, 7' W of the c/l of St. Luke's Lane  
(6800 Liberty Road)  
2nd Election District - 2nd Councilmanic District  
City Partners LTD-DLM - Petitioners  
Case No. 96-54-X

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Exception has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Permits and Development Management office at 887-3391.

Very truly yours,

[Signature]  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Ms. Anne G. Andreas, Vice President, RIMS, Inc.  
c/o City Partners LTD-DLM, 6800 Liberty Road, Baltimore, Md. 21207

Mr. Greg Sarro, American PCS, L.P.  
6301 Rockledge Drive, Suite 600, Bethesda, Md. 20817

Ms. Melanie Moser, Daft-McCune-Walker, Inc.  
200 E. Pennsylvania Avenue, Towson, Md. 21204

Ms. Judith Berger, President, Liberty Road Community Council  
P.O. Box 31555, Baltimore, Md. 21207

Mr. Andrew Werchniak & Ms. Debbie Meaney, c/o Moffit, Larson & Johnson  
1110 North Glebe Road, Suite 800, Arlington, Va. 22201

People's Counsel; Case File

Printed with System Ink  
on Recycled Paper



Petition for Special Exception  
to the Zoning Commissioner of Baltimore County  
for the property located at 6800 Liberty Road  
which is presently zoned D.R. 16

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for:

A wireless transmitting & receiving facility.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owners:

Contract Purchaser/Lessee:  
American PCS, L.P.  
by Margaret Ruggieri, Legal Counsel

City Partners LTD-DLM  
By: Anne G. Andreas, Its Managing Agent  
Anne Andreas, Vice President

City Partners LTD-DLM  
By: Anne G. Andreas  
Anne G. Andreas, Vice President

City Partners LTD-DLM  
By: Anne G. Andreas  
Anne G. Andreas, Vice President

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Anne G. Andreas, Vice President

City Partners LTD-DLM  
By: Anne G. Andreas  
Anne G. Andreas, Vice President

City Partners LTD-DLM  
By: Anne G. Andreas  
Anne G. Andreas, Vice President

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Anne G. Andreas, Vice President

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By: Anne G. Andreas  
Anne G. Andreas, Vice President

City Partners LTD-DLM  
By: Anne G. Andreas  
Anne G. Andreas, Vice President

ORDER RECEIVED FOR FILING  
Date 9/25/95  
By [Signature]



Daft-McCune-Walker, Inc.  
200 East Pennsylvania Avenue  
Towson, Maryland 21204  
(410) 296-1114  
Fax: (410) 296-1114

A Team of Land Planner  
Landscape Architects  
Engineers, Surveyors  
Environmental Professionals

Description  
To Accompany Petition for Special Exception  
8.12 Acre Parcel  
Northeast Side of Liberty Road  
Southeast of Brubaker Court  
Second Election District, Baltimore County, Maryland

Beginning for the same on the northeast side of Liberty Road (Maryland Route 26) at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Liberty Road with the centerline of St. Luke's Lane (1) North 63 degrees 23 minutes 50 seconds West 7 feet, more or less, and thence (2) North 26 degrees 36 minutes 10 seconds East 40 feet to the point of beginning, thence leaving said beginning point and binding on the northeast side of Liberty Road (1) North 63 degrees 48 minutes 20 seconds West 565.07 feet, thence leaving said northeast side of Liberty Road and running the eleven following courses and distances, viz: (2) North 17 degrees 04 minutes 00 seconds East 313.81 feet, thence (3) South 72 degrees 56 minutes 00 seconds East 225.00 feet, thence (4) North 17 degrees 04 minutes 00 seconds East 130.00 feet, thence (5) South 87 degrees 41 minutes 35 seconds East 249.34 feet, thence (6) South 29 degrees 13 minutes 05 seconds East 57.73 feet, thence (7) South 10 degrees 41 minutes 15 seconds East 276.78 feet, thence (8) North 79 degrees 18 minutes 45 seconds East 93.00 feet, thence (9) South 10 degrees 41 minutes 15 seconds East 146.06 feet, thence (10) North 79 degrees 18 minutes 45 seconds East 50.00 feet, thence (11) South 10 degrees 41 minutes 15 seconds East 78.94 feet, and thence (12) South 10 degrees 38 minutes 45 seconds West 170.52 feet to intersect the aforementioned northeast side of Liberty Road, thence binding thereon the three following courses and distances, viz: (13) North 61 degrees 54 minutes 10 seconds



96-54-X  
West 16.33 feet, thence (14) South 64 degrees 10 minutes 17 seconds West 82.01 feet, and thence (15) North 63 degrees 23 minutes 50 seconds West 107.29 feet, thence leaving said road and running the two following courses and distances, viz: (16) North 46 degrees 55 minutes 20 seconds West 119.40 feet, and thence (17) South 42 degrees 26 minutes 55 seconds West 35.20 feet to intersect the aforementioned northeast side of Liberty Road, thence binding thereon (18) North 63 degrees 23 minutes 50 seconds West 25.25 feet to the point of beginning, containing 8.12 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 12, 1995

Project No. 94161-44 (L94161-44)



Page 2 of 2

ITEM #44

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 2nd Date of Posting: 9/2/95  
Posted for: Special Exception  
Petitioner: City Partners LTD-DIV. 1, Attn: PCS, LP  
Location of property: 6800 Liberty Rd, NEH  
Location of Signs: Along road on property being zoned  
Remarks: None  
Posted by: Matthew Date of return: 9/2/95  
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. 9/1, 1995  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 8/31, 1995.

THE JEFFERSONIAN,

LEGAL AD. - TOWSON

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:  
Case: #96-54-X (Item 44)  
6800 Liberty Road  
NE/S Liberty Road, 7' W of c/1 St. Lukes Lane  
2nd Election District - 2nd Councilmanic Legal Owner(s): City Partners LTD-DIV. 1  
Lessee: American PCS, LP  
Hearing: Wednesday, September 13, 1995 at 11:00 a.m. in Rm. 118, Old Courthouse.  
Special Exception for a wireless transmitting and receiving facility.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner for Baltimore County  
NOTES: (1) Hearings are handicapped accessible; for special accommodations please call 887-3353.  
(2) Offer information concerning the hearing and/or hearing, please call 887-3391.  
8/33 Aug. 31.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
DATE: SEP 11 1995 ACCOUNT: R-11-6100  
CITY - SPX AMOUNT: \$ 300.00  
CITY - SIGN AMOUNT: \$ 335.00  
TOTAL: \$ 635.00  
RECEIVED FROM: AMERICAN PCS, LP  
FOR: SPX 96-54-X  
CITY OF BALTIMORE  
BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 44

Petitioner: AMERICAN PCS, L.P.

Location: BALMORA TOWERS, 6800 LIBERTY RD., BALT.

PLEASE FORWARD ADVERTISING BILL TO:

NAME: AMERICAN PCS, L.P., ATTN: MARGARET RUGGIERI

ADDRESS: ONE DEMOCRACY CTR., 6901 ROCKLEDGE DR., SUITE 600

BETHESDA, MD 20817

PHONE NUMBER: (301) 214-9283

AJ:ggg

(Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY  
August 31, 1995 Issue - Jeffersonian

Please forward billing to:

American PCS, L.P.  
Margaret Ruggieri, Esq.  
One Democracy Center  
6901 Rockledge Drive, Suite 600  
Bethesda, MD 20817  
301-214-9283

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-54-X (Item 44)  
6800 Liberty Road  
NE/S Liberty Road, 7' W of c/1 St. Lukes Lane  
2nd Election District - 2nd Councilmanic Legal Owner(s): City Partners LTD-DIV. 1  
Lessee: American PCS, LP  
HEARING: MONDAY, SEPTEMBER 18, 1995 at 11:00 a.m. in Room 118, Old Courthouse.  
Special Exception for a wireless transmitting and receiving facility.

LAWRENCE E. SCHMIDT  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

August 25, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-54-X (Item 44)  
6800 Liberty Road  
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Lessee: American PCS, LP  
HEARING: MONDAY, SEPTEMBER 18, 1995 at 11:00 a.m. in Room 118, Old Courthouse.

Special Exception for a wireless transmitting and receiving facility.

Arnold Jablon  
Director

cc: City Partners LTD-DIV. 1  
American PCS, L.P.  
G. Scott Barhight, Esq.  
Deft-McCune-Walker, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink  
on Recycled Paper



Baltimore County  
Department of Permits and  
Development Management

Development Processing  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

September 8, 1995

G. Scott Barhight, Esquire  
Whiteford, Taylor & Preston  
210 W. Pennsylvania Ave.  
Towson, MD 21204

RE: Item No.: 44  
Case No.: 96-54-X  
Petitioner: City Partners LTD-DIV. 1  
Anne G. Andreas

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on August 1, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jw  
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management  
September 1, 1995  
FROM: J. Lawrence Pilsa  
Development Coordinator, DEPRM  
SUBJECT: Zoning Item #44 - Lochearn Ban 73  
6800 Frederick Road  
Zoning Advisory Committee Meeting of August 14, 1995

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Air Quality

This site must comply with ANSI Standard C95.1-1982 at all times, including during reasonable roof access for maintenance/custodial personnel. Roof access should be restricted. We recommend that Caution/Warning signs be placed at all roof access doors.

JLP:SR:sp

c: Steve Reekie

LOCHEARN/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: August 22, 1995  
Zoning Administration and Development Management  
FROM: Robert W. Bowling, P.E., Chief  
Development Plans Review  
RE: Zoning Advisory Committee Meeting  
for August 21, 1995  
Items 044, 046, 047, 048, 049, 051, 053 and 054

The Development Plans Review Division has reviewed  
the subject zoning items and we have no comments.

RWB:aw



David L. Winstead  
Secretary  
Hal Kassoff  
Administrator

8-8-95

Ms. Joyce Watson  
Baltimore County Office of  
Permits and Development Management  
County Office Building, Room 109  
Towson, Maryland 21204

RE: Baltimore County  
Item No. 044 (RT)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to  
approval as it does not access a State roadway and is not affected by any State  
Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*  
for Ronald Burns, Chief  
Engineering Access Permits  
Division

BS/es

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):  
Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51,  
53, and 54.

If there should be any further questions or if this office can provide additional  
information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol L. Kenna*

PK/JL

ITEM26/PZONE/ZAC1

Baltimore County Government  
Fire Department



700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 14, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed  
by this Bureau and the comments below are applicable and required to  
be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 43, 44, 45, 46, 48, 49, 50,  
51, 52, 53 AND 54.

RECEIVED  
AUG 11 1995

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File  
Printed on Recycled Paper

ZADM

PETITION PROBLEMS  
AGENDA OF

#44 -- RT

1. Need power of attorney for person signing for contract purchaser.
2. Who signed petition for attorney?

#45 -- MJK

1. Need power of attorney for person signing for contract purchaser.

#47 -- JLL

1. Margaret Miller is trustee for who?
2. Need power of attorney for Margaret Miller, trustee.
3. Leonard Miller is trustee for who?
4. Need power of attorney for Leonard Miller, trustee.
5. Need telephone numbers for all legal owners.

#50 -- JLL

1. Notary section is incomplete.

#51 -- JCM

1. Notary section is incomplete.

#52 -- JJS

1. No item number on receipt.
2. No city, state, or zip code for legal owner.

#53 -- JJS

1. No zoning indicated on petition form.

RE: PETITION FOR SPECIAL EXCEPTION  
6800 Liberty Road, NE/S Liberty Rd, 7' W  
of c/l St. Lukes Lane, 2nd Election  
District, 2nd Councilmanic  
Legal Owner(s): City Partners LTD-DLW  
Lessee: American PCS, LP  
Petitioners  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
CASE NO. 96-54-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-  
captioned matter. Notice should be sent of any hearing dates or other  
proceedings in this matter and of the passage of any preliminary or  
final Order.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN  
People's Counsel for Baltimore County

*Carole S. Demilio*  
CAROLE S. DEMILIO  
Deputy People's Counsel  
Room 47, Courthouse  
400 Washington Avenue  
Towson, MD 21204  
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13<sup>th</sup> day of September, 1995, a  
copy of the foregoing Entry of Appearance was mailed to G. Scott  
Barnight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania  
Avenue, Suite 400, Towson, MD 21204, attorney for Petitioners.

*Peter Max Zimmerman*  
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Greg Sarco</i>	<i>6901 Rockledge Dr.</i>
<i>Christine McSherry</i>	<i>Bethesda MD 20817</i>
<i>Melanie Musser</i>	<i>Elmwood 300 E Pennsylvania</i>
<i>Deborah Mearns</i>	<i>Ave. Towson MD</i>
<i>Andrew Wozniak</i>	<i>1110 North Glebe Rd</i>
	<i>Arlington VA 22218</i>
	<i>1110 North Glebe Rd</i>
	<i>Suite 800</i>
	<i>Arlington VA 22201</i>

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PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<i>Petitioners</i>	
<i>1) Plan</i>	<i>1) Kella Linn</i>
<i>2) Environmental Impact</i>	<i>Judith Berger</i>
<i>3) Communication Packet</i>	
<i>4) 2 graphics</i>	
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Council, Inc.

Towson, MD 21204

Dear Mr. Schmidt,

I am unable to attend the hearings relative to 96-33-A, 96-34-X, 96-35-XA, 96-36-SPHX, 96-37-XA, 96-38-SPHX, 96-39-XA, to be heard on September 9, 1995, at 11:00 A.M., wireless transmission towers.

We are particularly concerned about the proximity of these towers to homes and schools. There are three towers proposed in close proximity, on or near Liberty Road, 96-33-A, 96-38-SPHX, and 96-39-XA.

The Liberty Road Community Council, Inc., at its Board meeting on August 30, 1995, expressed concern about interference with telephone and television transmission, among other issues.

Issues involving the health of the citizenry should be open to the public in the form of a Public Hearing, prior to a zoning hearing. There has been no opportunity for information relative to the impact of these towers on health and safety.

I know, now, that the county officials are not looking out for our health and safety, or welfare, because of the lack of water for fire-fighting purposes. I am not going to rely on them in this instance, either.

The large amounts of luggage generated by these telecommunications

... the great and broad to be  
... extensions, alone.

...

*Edith Berger*

Edith Berger, President

Liberty Road Community Council, Inc.

cc: Hon. C. "Dutch" Ruppelberger

Hon. Kevin Kamemetz

Mr. Barry Schleifer, Liberty/Randallstown Coalition

Mrs. Ella White Campbell

*add issue 96-54-X (Item 44)  
Hearing 9-18-95 - 11AM Planning to attend  
same concerns.*

EXHIBIT NO. 1

## Environmental Impact Statement

### American Personal Communications Lochearn Site

September 1995  
Project No. 94161.44

Prepared for:  
American PCS, L.P.  
One Democracy Center  
Suite 600  
6901 Rockledge Drive  
Bethesda, MD 20817

American Personal Communications

EXHIBIT NO. 1

96-54-X Item No. 44  
96-55-XA Item No. 45

AMERICAN PERSONAL COMMUNICATIONS (APC)  
HEARING BEFORE THE BALTIMORE COUNTY  
ZONING COMMISSIONER  
September 18, 1995

#### TABLE OF CONTENTS

1. Photographs of 6800 Liberty Road
2. Lease Agreement with City Partners Ltd.
3. Photographs of 2118 Frederick Road
4. Lease Agreement Yolanda Juzelenos
5. Photographs and Specification Sheets for Antennas
6. Photograph and Specification Sheets for Equipment Cabinets
7. FCC License
8. FCC Adopts ANSI EMF Regulations
9. Radio Frequency Statement - Jules Cohen
10. FCC Statement on PCS - Creating Significant Benefits for Consumers and Business
11. FCC's Chairman, Reed Hundt, Speech Excerpts



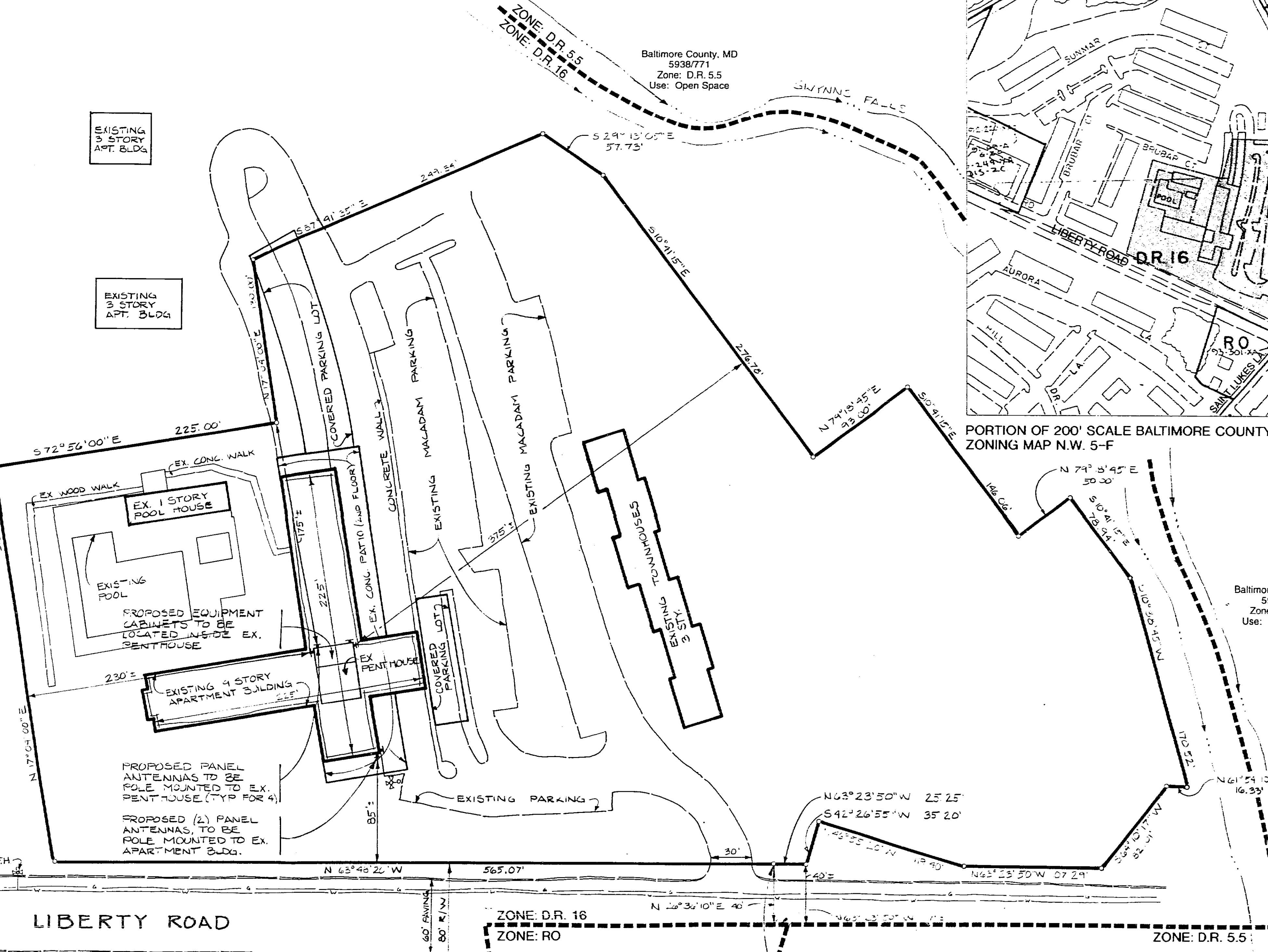
Westmount Associates  
 4280  
 Zone: D.R. 16  
 Use: Apartment

EXISTING 3 STORY APT. BLDG.

EXISTING 3 STORY APT. BLDG.

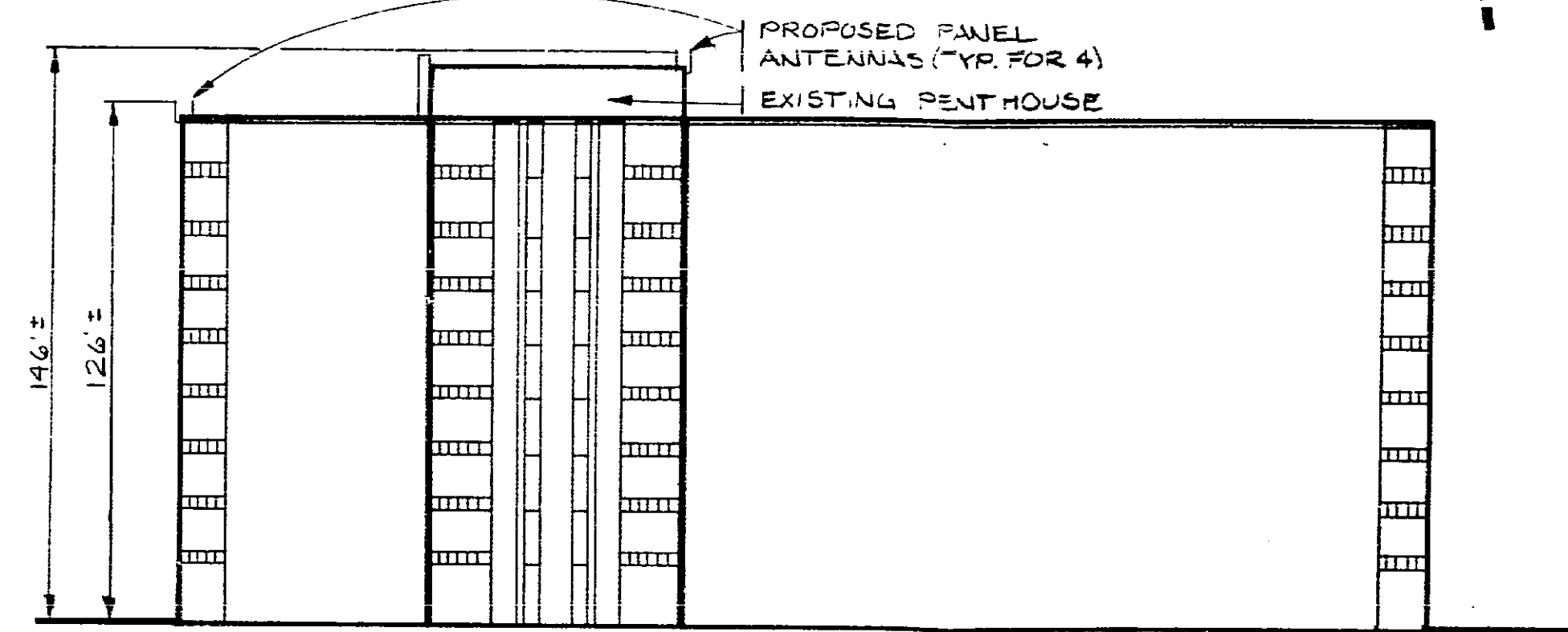
EXISTING 3 STORY APARTMENT BUILDING

EX. 15 STY. APTS.



SITE PLAN

Scale: 1"=50'



EAST BUILDING ELEVATION

Not To Scale

Maurice W. Swanson  
 7593/082  
 Zone: RO  
 Use: Residential

Point Of Beginning  
 N 16.533  
 W 31.696

Trustees of Walbrook Methodist  
 Episcopal Church of Baltimore City  
 2282/564  
 Zone: D.R. 5.5  
 Use: Church

EXISTING DENTIST OFFICE

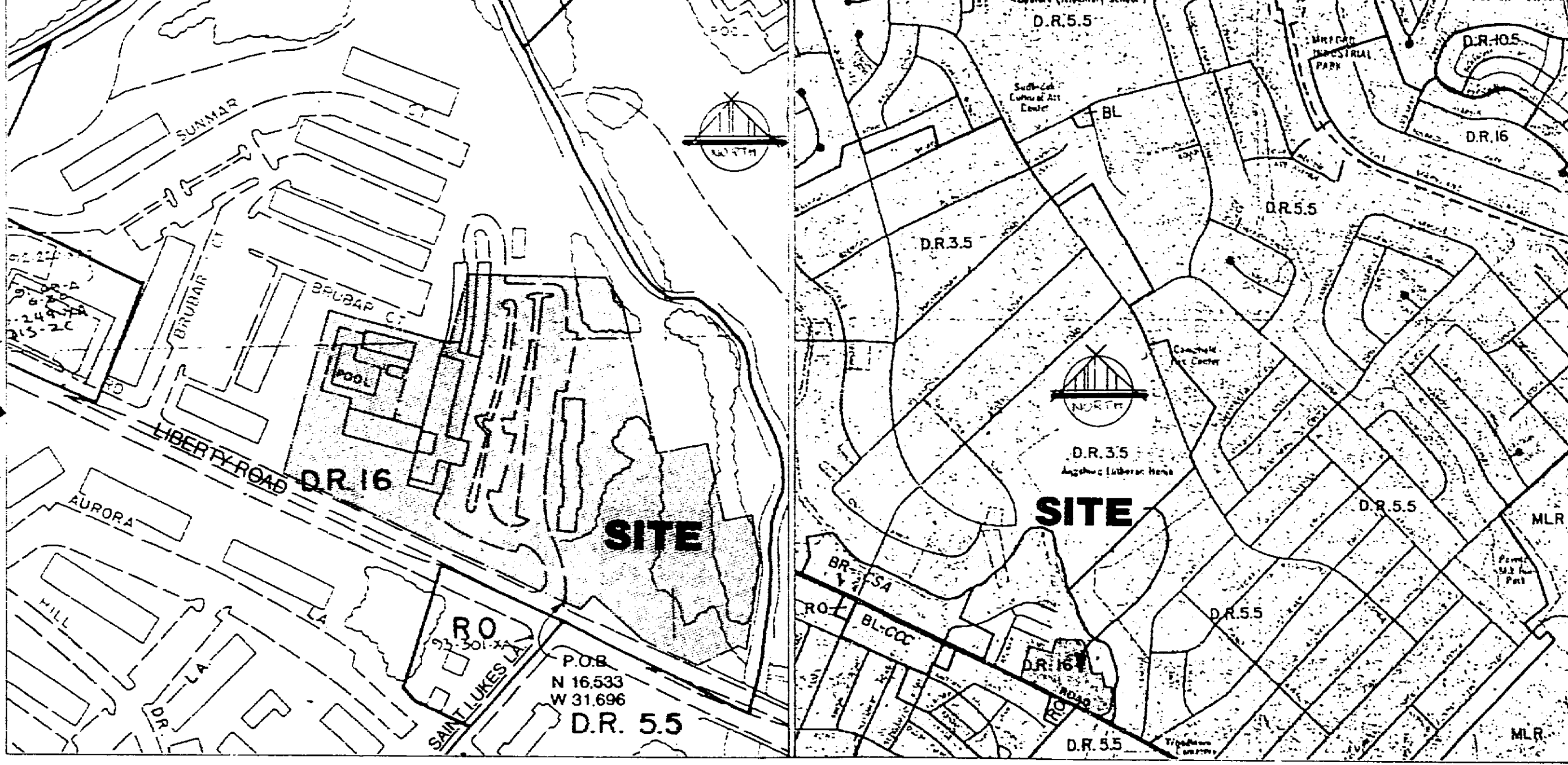
EX. CHURCH

**Requested Zoning Action**

Special Exception pursuant to Baltimore County Zoning Regulations (BCZR) §1801.1.C.20 to permit a wireless transmitting and receiving facility in a D.R.16 zone.  
 (Pursuant to §502.7.D.1 the site is exempt from subparagraphs 502.7.C.1, 2, 3, 4 and 5 of the BCZR)

PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP N.W. 5-F

Baltimore County, MD  
 5985/629  
 Zone: D.R. 5.5  
 Use: Open Space



PORTION OF 1000' SCALE BALTIMORE COUNTY TAX MAP E-2

**NOTES:**

1. Current owner and street address:  
 City Partners LTD-DLW  
 200 Baltimore Towers Apartments  
 6800 Liberty Road  
 Baltimore, MD 21207
  2. Contract lessee/  
 Penthouse:  
 American PCS, L.P.  
 One Democracy Center  
 6901 Rockledge Drive, Suite 600  
 Bethesda, MD 20817
  3. Site area:  
 8.12 Ac.±
  4. Existing use:  
 Apartment Building
  5. Street Address:  
 Baltimore Towers  
 6800 Liberty Road  
 Baltimore, MD 21207
  6. Site data:  
 Tax map 88, block 2, parcel 511  
 Deed Reference No.: 6934/442  
 Tax Account No.: 02-1800002452  
 Zoning: D.R. 16  
 Election District: 2  
 Councilmatic District: 2
  7. The proposed wireless transmitting and receiving facility will consist of (4) 54" x 7" wide pole mounted panel antennas attached to the existing penthouse, (2) 54" x 7" pole mounted antennas attached to the main building roof, and (2) equipment cabinets measuring 5.5' wide x 5' high x 2' deep installed inside the existing penthouse.
  8. Setbacks:  
 Non-residential principal structure in a D.R.16 zone pursuant to §1801.2.C.1.a  

	Required to wireless trans. & rec. facility	Provided to wireless trans. & rec. facility
Front:	30'	85'±
Side (east):	25'	375'±
Side (west):	25'	230'±
Rear:	30'	175'±

  
 Existing maximum height of building = 140'±  
 Proposed maximum height = 146'±
  9. No new or additional water or sanitary utilities are required for the proposed wireless transmitting and receiving facility.
  10. The information and boundary location shown hereon have been compiled from deeds, plots, and other sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
  11. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
  12. This site was the subject of Zoning Reclassification Case Number 3616 which requested the reclassification from "R-6" Residential to "Business Local." On September 15, 1955, the Zoning Commissioner denied the request on the ground that a proposed shopping center at the location would increase the traffic hazard on Liberty Road.
- On June 7, 1956, the Board of Zoning Appeals reviewed the petition and reversed the Zoning Commissioner's prior order, granting the owner a reclassification from "R-6" residential to "Business Local."
- On December 27, 1956, a writ of certiorari was filed in the Circuit Court for Baltimore County concerning the decision of the Board of Zoning Appeals for Baltimore County which granted a reclassification from "R-6" residential to "Business Local." After proving that there was just cause for concern about the increase of traffic on Liberty Road, the Board's decision was reversed by the Circuit Court of Baltimore County, ordering the subject property remain "R-6" residential.
- This site was also the subject of Zoning Case Number 68-293-A which requested a variance to permit a sign area of 32 square feet instead of permitted 15 square feet. On June 13, 1968, the Zoning Commissioner of Baltimore County granted the variance.

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DAFT-MCCUNE-WALKER, INC.

16. Amenity open space: N/A
17. Parking:  
 Existing Spaces: 272 ±  
 Proposed New Spaces: 0
18. When the use is terminated, the structure shall be removed.
19. An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted to the Zoning Commissioner.

The proposed wireless transmitting and receiving facilities will not block or affect any existing parking spaces.

ITEM #44

**DMW**  
 Daft McCune Walker, Inc.  
 A Team of Land Planners,  
 Landscape Architects,  
 Engineers, Surveyors &  
 Environmental Professionals  
 200 E. Pennsylvania Avenue  
 Towson, Maryland 21206  
 (410) 286-8333  
 Fax: 286-4705

American Personal  
 Communications  
 Plan To Accompany Petition For Special Exception  
**LOCHEARN SITE BAN 73**  
 2nd Election District

No.	Description	Date
REVISIONS		
Proj. No.	94161.44	
Date	7/7/95	
Scale	As Shown	
Last Rev.		

Sheet

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